



# NATIONAL ORGANIZATION FOR MARRIAGE

August 9, 2013

Mr. James Albert, Chairman  
Mr. John Walsh, Vice Chair  
Dr. Saima Zafar, Member  
Ms. Carole Tillotson, Member  
Mr. Jonathan Roos, Member  
Ms. Mary Reuter, Member  
Iowa Ethics and Campaign Disclosure Board  
510 East 12<sup>th</sup> Street, Suite 1A  
Des Moines, Iowa 50319

RE: Demand for Removal Of Ms. Megan Tooker From Involvement In The  
Pending Case Regarding the National Organization for Marriage

Dear Members of the Board,

I am writing on behalf of the National Organization for Marriage (NOM) to demand the removal of Ms. Megan Tooker, Executive Director and Counsel, from any involvement in the pending investigation concerning NOM. The Board voted on August 8, 2013 to pursue an investigation following a complaint filed by homosexual activist Fred Karger.

We realize that it is highly unusual for a party to demand the removal of the lead staff member for the Board, but the appearance of bias and conflict, and Ms. Tooker's highly prejudicial and inappropriate comments to the media concerning this case require us to do so. Specifically:

- Ms. Tooker enjoyed a presumably close relationship with Justice Michael Streit and served as his law clerk while Streit was on the state Supreme Court. Streit was one of the justices removed by voters in 2010. The campaign that resulted in his removal was supported by NOM and NOM's work in that campaign is the subject of the Karger complaint. At a minimum, Ms. Tooker's close relationship with Justice Streit creates the appearance of a conflict of interest.
- Following the Board hearing on August 8<sup>th</sup>, Ms. Tooker gave highly inappropriate, prejudicial and inaccurate comments to the media concerning the complaint against NOM. (See for example [http://www.desmoinesregister.com/article/20130808/NEWS09/130808024/1056/news05?nclink\\_check=](http://www.desmoinesregister.com/article/20130808/NEWS09/130808024/1056/news05?nclink_check=)) Her inappropriate and intemperate comments further call into question her ability to act impartially in this case.
- Ms. Tooker has blatantly misrepresented NOM's position regarding several critical elements of the Karger complaint. For example, she told the *Des Moines Register* that NOM believes it does not have to disclose donors that gave specifically to the campaign to oust the justices, including her former employer. However, as we made abundantly clear in our legal counsel's letter to the Board refuting the Karger complaint, that is not NOM's position. We agree that contributions designated specifically for the judicial retention campaign must be

reported. Our position is that we did not receive any designated contributions. As a matter of policy, NOM does not accept designated contributions.

- Ms. Tooker further misrepresents NOM's position when she told the *Register* that NOM believes it does not need to report contributions received as a result of telephone or email solicitations. NOM holds no such position. Her statement to the contrary is a blatant misrepresentation of our response letter to the Karger complaint.
- Ms. Tooker effectively convicts NOM in absentia when she told the *Register* that NOM should have disclosed donors who contributed funds in response to a September 21, 2012 email. This mistaken and prejudicial conclusory statement was made without any evidence before her and without any feedback from NOM on the matter.
- Finally, Ms. Tooker's bias and partiality on this matter is plainly evident in the tone of her media comments. She says that NOM's response letter contained statements that are "absolutely false" and that NOM is "absolutely wrong" in its interpretation of state campaign disclosure law. Once again, this tone and her comments reveal deep bias against NOM, which is significantly responsible for funding the campaign that removed her former employer and mentor from office.

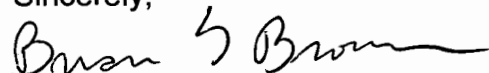
As the Executive Director and Counsel for the Board, Ms. Tooker is responsible for conducting herself with absolute integrity, respecting the rights of both the complainant and the accused to present evidence that illuminates the facts. She must apply the facts of the case to the law, and she must make recommendations to the Board that are devoid of personal taint or bias. Ms. Tooker has an apparent conflict of interest in this case because it involves her former employer, with whom she presumably enjoys a close relationship. Further, her comments to the media about this case are highly inappropriate, intemperate, inaccurate and prejudicial, further underscoring her clear bias.

For all of these reasons, we demand that the Board remove Ms. Tooker from having any involvement in this case and direct her to cease making any further comments to the media.

Please let us know your decision on this matter at your earliest opportunity so that we may pursue additional remedies if such become necessary.

Thank you for your immediate attention to this important matter.

Sincerely,



Brian S. Brown  
President

cc: Ms. Megan Tooker  
NOM Executive Committee